

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JAMES JOSEPH BRODERICK

PETITIONER

VERSUS

CIVIL ACTION NO. 4:05CV19TSL-LRA

LAWRENCE KELLY, ET AL.,

RESPONDENTS

ORDER

This cause is before the court on the order of the Fifth Circuit Court of Appeals instructing this court to determine the dates on which petitioner placed in the prison mail system his notice of appeal. Having examined the prison mail log as provided by respondents and having provided petitioner with an opportunity to present additional evidence on the issue, it does not appear that petitioner used the prison mail system to transmit his notice of appeal to this court.

The court hereby orders that this case be returned to the Fifth Circuit Court of Appeals.

SO ORDERED, this the _28th_day of April, 2008.

S/ Tom S. Lee
UNITED STATES DISTRICT JUDGE